

**Maine Department of Environmental Protection  
Policy to Clarify Underground Oil Storage Facility Maintenance  
and Repair Activities Allowed of Certified Underground Tank  
Installers and Certified Underground Tank Inspectors Pursuant  
to 06-096 CMR c. 691 §§5.D(6), (7)(b), and (8)(b)**

### General Policy

The policy of the Department's Bureau of Remediation and Waste Management will be to adopt the recommendations of the Board of Underground Storage Tank Installers of December 2001 regarding certain maintenance and repair activities that can and need to be accomplished by properly certified underground tank installers and inspectors. Background for this decision is provided below, along with a detailed list of activities applicable to both certifications.

### Background

Amendments to Department regulations effective March 16, 2004 only allow replacement of nonfunctional line leak detectors (06-096 CMR c. 691 §5.D(6)), inoperable overfill and spill prevention equipment (*Ibid.*, §5.D(7)(b)), or nonfunctional portions of continuous or electronic leak detection equipment (*Ibid.*, §5.D(8)(b)) to be undertaken by certified underground storage tank installers. In contrast, the Maine Board of Underground Storage Tank Installers recommended to the Department these tasks be permitted of inspectors properly certified by the Board and by the manufacturers of such equipment.

The Department finds that inspections commonly result in the discovery of failed line leak detectors, malfunctioning overfill and spill prevention equipment, and continuous electronic leak detection equipment that needs to be replaced. The Department agrees with the Board that trained inspectors have the capability of replacing such nonfunctional parts on existing systems. The Department further finds that if inspectors can replace that equipment, underground oil storage facilities can more efficiently and effectively be brought into compliance.

Therefore, this policy provides notice that the Department will use its enforcement discretion by not instituting actions against inspectors, who are properly certified by the Board and by the relevant manufacturer, and who conduct repairs on underground oil storage tank systems that are in violation of the rules, as currently written, where such repairs appear on the attached recommendation of the Board of Underground Storage Tank Installers. It is the Departments intention to change Chapter 691 in the future to correct this discrepancy.

## Activities Requiring the Direct Supervision of a Certified Underground Tank Installer

The following UST activities require a certified installer:

1. Removing, abandonment in place, or changing in service of underground tanks or piping (product or vent) used to store Class I liquids.
2. Testing, repairs, or upgrades on a UST system that requires excavation or cutting the concrete. This includes work on tanks, piping (product, vapor recovery, riser or vent), corrosion protection, automatic tank gauge (ATG), interstitial sensors, monitoring wells, lining, proving structural integrity including tightness testing, riser pipes, spill buckets, and overfill protection devices.
3. Installing an overfill device (i.e. drop tube shut off, overfill alarm, or ball float valve).
4. Replacing or repairing a damaged spill bucket if excavation or cutting of concrete is required.
5. Installing a drop tube. Note: replacing a drop tube requires an installer only if cutting the concrete or excavation is required.
6. Reconstructing, abandoning, or closing monitoring wells in the tank backfill.
7. Installing an ATG (in tank leak detection device) or interstitial sensors, whether or not the conduit and riser were previously installed.
8. Installing heat-shrink sleeves or water-tight boots to flex connectors for corrosion protection.
9. Installing or replacing anodes on risers or flex connectors for corrosion protection.
10. Installing additional anodes or an impressed-current system to an existing UST system
11. Overseeing an internal inspection of a tank.
12. Replacing a UST system component with a different model component.

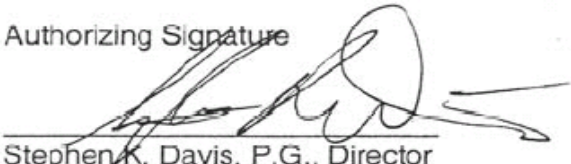
## Activities Allowed of Certified Underground Oil Tank Inspectors


The following UST activities could be accomplished by an installer or inspector:

1. Replacing defective mechanical line leak detector with the same type device (i.e. replace screw in mechanical line leak detector with another screw in mechanical line leak detector).
2. Replacing defective electronic line leak detector with the same type device
3. Testing line leak detector functionality.
4. Testing piping to determine if it is standard or European style suction.
5. Replacing an existing drop tube. (*Requires an installer if excavation is required.*)
6. Testing sump or interstitial liquid sensor functionality.
7. Testing of ATG functionality by factory trained technician and repairing existing unit.
8. Replacing a drop tube overfill device, a vent ball (ball vent float, etc) valve overfill device via an existing extractor riser, or an existing overfill alarm. This does not include installing a vent ball extractor assembly. (*Requires an installer to change the type of overfill device or if excavation is required.*)
9. Testing of a CP system by a qualified CP tester.

10. Adjusting of a CP system rectifier by a CP tester.
11. Replacing a sensor with the same model of sensor.
12. Inspecting integrity of secondary containment.

Authorizing Signature

  
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Stephen K. Davis, P.G., Director  
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Date